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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,529	12/02/2004	Oskar Juhlin	P70249US0	4448
136	7590	10/11/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			VANTERPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3782	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/516,529	Applicant(s) JUHLIN, OSKAR	
	Examiner Lester L. Vanterpool	Art Unit 3727	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 26, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 3 & 8 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahl et al., (U.S. Patent Number 6053381) in view of Cooper (U.S. Patent Number 5577652). Fahl et al., discloses the bag (2) comprising the bottom wall (See Figures 1, 3 & 6) and first, second, third, and fourth side-wall portions extending along respective edges of the bottom wall (See Figures 1, 3 & 6), the front wall (See Figure 3) connecting with the side-wall portions (See Figures 1, 3 & 6), and the bag strap (20 & 20A) with two ends (See Figure 1) connected to the first side-wall portion (See Figure 1) by the connecting fitting (28, 28A & 30) (See Figure 1); the strap (20 & 20A) is capable of being arranged to lie in the flat abutment with and along the first and second side-wall portions and in flat abutment with and along the intermediate third side-wall portion (See Figure 1 & if 20A is extended in Figure 1).

However, Fahl et al., does not disclose the strap extending through the strap transit fitting on the bag, wherein the strap transit fitting is attached to the second side-

wall portion located immediately opposite the first side-wall portion; the fitting connecting the strap ends is able to pivot in the plane of the first side-wall portion.

Cooper teaches the strap (14) extending through the strap transit fitting (20) on the bag (10), wherein, strap transit fitting (20) (See Figures 1 & 2) is attached to the second side-wall portion located immediately opposite the first side-wall portion (See Figures 1 & 5); the fitting connecting the strap (14) ends is able to pivot in the plane of the first side-wall portion (See Figures 1, 3 – 5) for the purpose of prevent the strap from becoming tangled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strap extending through the strap transit fitting on the bag, wherein the strap transit fitting is attached to the second side-wall portion located immediately opposite the first side-wall portion; the fitting connecting the strap ends is able to pivot in the plane of the first side-wall portion as taught by Copper with the bag of Fahl et al., in order to enhance multi-functional capabilities.

Regarding claim 3, Fahl et al., does not disclose the first and the second side-wall portions are shorter than the third and fourth side-wall portions.

It would have been obvious matter of design choice to make the first and the second side-wall portions shorter than the third and fourth side-wall portions, since applicant has not disclosed that first and the second side-wall portions are shorter than the third and fourth side-wall portions solves any stated problem or is for any particular

purpose and it appears that the invention would perform equally well with the first and the second side-wall portions longer than the third and fourth side-wall portions.

Regarding claim 8, Fahl et al., discloses the bottom wall (See Figures 1, 3 & 6); first, second, third, and fourth side-wall portions extending along respective edges of the bottom wall (See Figures 1 & 3); the front wall connecting with the side-wall portions (See Figures 1, 3 & 6); the bag strap (20 & 20A) with two ends to support the bag (10) (See Figures 1, 3, 4 & 6); and the first and the second connecting fitting (28, 28A & 30) each connecting the strap (20 & 20A) to the first side-wall portion (See Figure 1).

However, Fahl et al., does not disclose the strap transit fitting to guide the bag strap, the fitting attached to the second side-wall portion located immediately opposite the first side-wall portion; and the connecting fittings each able to pivot in the plane of the first side-wall portion.

Cooper teaches the strap transit fitting (20) (See Figure 2) to guide the bag strap (14) (See Figure 1), the fitting (20) attached to the second side-wall portion (36) located immediately opposite the first side-wall portion (See Figure 1); and the connecting fittings (See Figure 1) each able to pivot in the plane of the first side-wall portion for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strap extending through the strap transit fitting on the bag, wherein the strap transit fitting is attached to the second side-wall portion located immediately opposite the first side-wall portion; the connecting fittings each able to pivot

in the plane of the first side-wall portion as taught by Copper with the bag of Fahl et al., in order to enhance multi-functional capabilities.

Regarding claim 9, Fahl et al., discloses the strap (20 & 20A) is capable of being arranged to lie in the flat abutment with and along the first and second side-wall portions and in flat abutment with and along the intermediate third side-wall portion (See Figure 1 & if 20A is extended in Figure 1).

Regarding claim 10, Fahl et al., discloses the invention substantially as claimed. However, Fahl et al., does not disclose each of the fittings is pivoted so as to configure the bag strap to provide two shoulder loops.

Cooper teaches each of the fittings (See Figure 1) is pivoted so as to configure the bag strap(14) to provide two shoulder loops (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each of the fittings is pivoted so as to configure the bag strap to provide two shoulder loops as taught by Cooper with the bag of Fahl et al., in order to enhance multi-functional capabilities.

Regarding claim 11, Fahl et al., discloses the first sidewall and the second sidewall disposed on opposite sides of the bag (10) (See Figure 1); the strap (20 & 20A) to support the bag (10), the strap (20 & 20A) having the first end and the second end

(See Figures 1 & 3) each having the strap connector (28 & 28A) (See Figure 1); the first strap fitting (30) attached to the first sidewall, each of the strap fittings (30) have connected thereto the respective one of the strap connectors (28 & 28A) such that each of the strap ends (See Figures 1, 3 & 4) is capable of pivoting in the plane of the first sidewall so as to enable the bag (10) to be carried in either of the two modes (See Figures 1 – 5) for the purpose of providing flexibility and multi-functional capability.

However, Fahl et al., does not disclose the second strap fitting.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second strap fitting, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Fahl et al., discloses the fitting (30) attached to the first sidewall (See Figure 4 & 6).

However, Fahl et al., does not disclose the fitting attached to the central portion of the first sidewall.

It would have been an obvious matter of design choice to make the fitting attached to the central portion of the first sidewall, since applicant has not disclosed that attaching the fitting to the central portion of the first sidewall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the fitting attached to the rear portion of the first sidewall.

Regarding claim 12, Fahl et al., discloses the first carrying mode (See Figure 1) each of the strap ends (See Figure 1) is pivoted so as to align the strap (20 & 20A) substantially in parallel to and along the longitudinal axis of the first sidewall (See Figures 1 & 4).

However, Fahl et al., does not disclose the one strap loop. It would have been an obvious matter of design choice to make the one strap loop, since applicant has not disclosed that attaching the one strap loop solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with two strap loops.

Regarding claim 13, Fahl et al., discloses the second carrying mode each of the strap ends is pivoted angularly outward from the longitudinal axis of the first sidewall so as to provide the first strap loop (20) and the second strap loop (20A) each capable of being placed over the shoulder (See Figures 1, 3, 4 & 6).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fahl et al., (U.S. Patent Number 6053381) and (U.S. Patent Number 5577652) as applied to claim 1 above, and further in view of Wu (U.S. Patent Number 6467594. Fahl et al., as modified discloses the invention substantially as claimed.

However, Fahl et al., as modified does not disclose the support feet to receive the strap therebetween are disposed on the outside of the third side-wall portion.

Wu teaches the support feet (11) (See Figures 2 & 3) to receive the strap therebetween (See Figures 2 & 3) are disposed on the outside of the third side-wall portion for the purpose of providing multi-functional capability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the support feet to receive the strap therebetween are disposed on the outside of the third side-wall portion as taught by Wu with the bag of Fahl et al., in order to enhance multi-functional capabilities.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fahl et al., (U.S. Patent Number 6053381) and Cooper (U.S. Patent Number 5577652) as applied to claim 1 above, and further in view of Bereday (U.S. Patent Number 3675970). Fahl et al., discloses the invention substantially as claimed. Fahl et al., discloses outside of the bottom wall (See Figures 3 & 6).

However, Fahl et al., as modified does not disclose bottom wall being upholstered.

Bereday teaches the bottom wall being upholstered (See Column 7, lines 15 – 21) for the purpose of providing additional comfort.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bottom wall upholstered as taught by Bereday with the bag of Fahl et al., in order to enhance additional comfort.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fahl et al., (U.S. Patent Number 6053381) and Cooper (U.S. Patent Number 5577652) as applied to claim 1 above, and further in view of Pedlar (U.S. Patent Number 5407038). Fahl et al., as modified discloses the invention substantially as claimed.

However, Fahl et al., as modified does not disclose the front wall is the lid that is hinged along the third side-wall portion.

Pedlar teaches the front wall (14) is the lid (See Figure 3) that is hinged along the third side-wall portion (See Figures (3 & 4) for the purpose of providing durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front wall is the lid that is hinged along the third side-wall portion as taught by Pedlar with the bag of Fahl et al., in order to enhance durability.

6. Claim 6 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahl et al., (U.S. Patent Number 6053381) and Cooper (U.S. Patent Number 5577652) as applied to claim 5 above, and further in view of Wu (U.S. Patent Number 6467594). Fahl et al., as modified discloses the invention as claimed.

However, Fahl et al., as modified does not disclose the zip fasteners join free edges of the lid of the first, second, and fourth side-wall portions.

Wu teaches the zip fasteners (See Figure 2) join free edges of the lid (See Figure 2) of the first, second, and fourth side-wall portions (See Figure 2) for the purpose of providing easy durable accessibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the zip fasteners join free edges of the lid of the first, second, and fourth side-wall portions as taught by Wu with the bag of Fahl et al., in order to enhance easy and durable accessibility.

Regarding claim 7, Fahl et al., discloses the strap (20A) has the length adjustment fitting (60) disposed in the vicinity of the fourth side-wall portion (See Figure 4) so as not to interfere with displacing the strap (20A) to establish two identical shoulder loops (See Figure 4).

However, Fahl et al., does not disclose the strap transit fitting. Cooper teaches the strap transit fitting (20) (See Figures 1 & 2) for the purpose of preventing the strap from becoming tangled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strap transit fitting as taught by Copper with the bag of Fahl et al., in order to enhance multi-functional capabilities.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue

requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

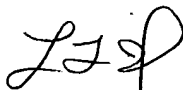
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JES F. PASCUA
PRIMARY EXAMINER

Application/Control Number: 10/516,529

Page 13

Art Unit: 3727

A handwritten signature in black ink, appearing to be 'LLV' with a stylized flourish.

LLV

September 29, 2006